

Serial No. 10/728,879

Attorney Docket No. 113708.127 US2

REMARKS

The applicant appreciates receiving initialed copies of the forms PTO 1449 which have been filed in this application. Also, please note that an Information Disclosure Statement with a form PTO 1449 was filed on 16 August 2006. The applicant respectfully requests an initialed copy of the form PTO-1449.

Claims 14-31 are pending. Claims 1-13 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 14-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,662,178, Lee, alone or in view of U.S. Patent Publication No. 2004/0230574, Kravets.

Submitted herewith is a terminal disclaimer signed by an attorney of record. The filing of the terminal disclaimer herein is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

In view of the terminal disclaimer, the applicant respectfully requests that this rejection be withdrawn.

Claims 1-13 were rejected under 35 USC 102(b) as being anticipated by U.S. patent No. 5,991,751, Rivette et al. Claims 1-13 have been canceled, although applicant reserves the right to file a divisional application incorporating these claims. It is therefore respectfully submitted that the rejection is moot.

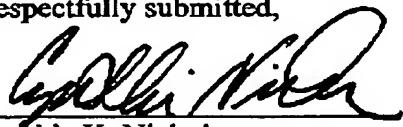
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In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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